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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,363

06/24/2003

Richard James Humpleman

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7590

03/15/2006

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EXAMINER

BASHORE, WILLIAM L

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/603,363

Applicant(s)

HUMPLEMAN ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/03, 4/05, 9/05, 10/05, 2/06</u> | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This action is responsive to communications: original application filed 6/24/2003, with acknowledged provisional application filing dates of 9/22/1997, and 6/25/1997. IDS filed 6/24/2003, 4/11/2005, 9/26/2005, 10/14/2005, and 2/27/2006.
2. Claims 9-18 are pending in this case. Claim 9 is an independent claim.

### *Claim Rejections - 35 USC § 112*

3. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Dependent claim 13** recites the limitation "*device link file*". There is insufficient antecedent basis for this limitation in the claim.

The following rejections are based upon a possible interpretation of claim 13 as directed to a device link page.

### *Double Patenting*

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759

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F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**6. Pending claims 9-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 8 of Humpleman et al. U.S. Patent No. 6,198,479 (hereinafter Humpleman '479). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:**

**In regard to pending independent claim 9, claims 5, 8 of Humpleman '479 teaches:**

- an interface for accessing home devices in a home network, as well as device buttons on a GUI browser incorporating an HTML interface page describing said devices connected to a home network, said buttons reflective of device links (see claim 5 of Humpleman '479; compare with pending claim 1).

- claim 5 of Humpleman '479 does not specifically teach a device link page. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman '479, because claim 8 of Humpleman '479 teaches a home device capabilities file,

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suggesting the embedding of device link information into the source code of HTML (see claim 8 of Humpleman '479; compare with pending claim 9 "*a device link page*"), providing the advantage of device listings for a page.

**In regard to pending dependent claims 10, 11, 12,** claim 5 of Humpleman '479 teaches detection of home devices, as well as device names, and device buttons indicative of various devices on an HTML browser-based home network (see claim 5 of Humpleman '479; compare with pending claims 10, 11).

**In regard to pending dependent claim 13,** Humpleman '479 does not specifically teach a logical device name. However, claim 5 of Humpleman '479 teaches display of associated device link buttons, providing reasonable suggestion to one of ordinary skill in the art at the time of the invention to apply a logical name in order to bridge GUI buttons with their respective devices in a computer system, providing the benefit of associated device buttons.

**In regard to pending dependent claims 14-15, 17,** Humpleman '479 does not specifically teach logos and associated icons. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman '479, because claim 5 of Humpleman '479 teaches device buttons associated with a home device, suggesting icons/logos associated with said devices, providing the advantage of brand advertizing (see claim 5 of Humpleman '479; compare with pending claims 14-15, 17).

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**In regard to dependent claims 16, 18, Humpleman '479 does not specifically teach a URL.** However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman '479, because claim 5 of Humpleman '479 teaches a browser based network GUI with buttons associated with devices, which suggests a URL based TCP/IP network (see claim 5 of Humpleman '479; compare with pending claims 16, 18), providing the advantage of a familiar network system.

***Claim Rejections - 35 USC § 103***

**7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 9-14, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman et al. (hereinafter Venkatraman), U.S. Patent No. 5,956,487 issued September 1999, in view of Hanson, U.S. Patent No. 6,148,346 issued November 2000.**

**In regard to independent claim 9, Venkatraman teaches:**

- a home automation network comprising an interface for accessing currently connected home devices (Venkatraman Figure 3, column 3 lines 27-33).

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- a self contained home network comprising inter-communication links and a web browser enabling communication with a set of devices (Venkatraman Figures 2, 3, column 5 lines 29-40, 46-51; compare with claim 1 “*creating a device link page from at least the local network*”). Venkatraman does not specifically teach a device button for each identified home device. However, Hanson teaches communication between various devices utilizing a set of GUI buttons (a device link page). The “Available Printers” GUI button can represent any one of a set of printer devices selected by a user (Hanson Figures 3-5, column 5 lines 25-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson’s taught advantage of visual presentation, so as to provide Venkatraman a way to visually access all devices available on a home network.

- a set of user interface functions written in HTML, said functions associated with a device on a network (Venkatraman Figure 3, column 5 lines 36-42).

- display of device information on a network browser (Venkatraman Figure 3).

**In regard to dependent claims 10, 11, 12,** Venkatraman teaches a home device connected to an HTML browser-based home network, as well as a link page (as described above). Venkatraman teaches a home based network enabling a web browser to access user interface functions via URL’s, said URL’s can be embedded within an appliance (Venkatraman column 5 lines 29-42, column 8 lines 1-8).

**In regard to dependent claims 13, 14,** Venkatraman does not specifically teach associating/retrieving an associated logical name, as well as icons. However, Hanson teaches a listing of available devices, each device comprising a logical name (ie. HDE/Meister, HDE/Gerry), to which a

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device is user selected and is represented by various GUI buttons associated with a status icon (Hanson Figures 3-5, column 5 lines 25-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's taught advantage of user selection, providing Venkatraman a way to customize a home network.

**In regard to dependent claim 16**, Venkatraman teaches a home based network enabling a web browser to access user interface functions via URL's, said URL's can be embedded within an appliance (Venkatraman column 5 lines 29-42, column 8 lines 1-8).

**In regard to dependent claim 18**, Venkatraman teaches a method whereby web server queries a device, and in response, the targeted device transfers an HTML file that defines its device web page (Venkatraman column 7 lines 37-46).

9. **Claims 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Hanson as applied to claim 1 above, and further in view of Reber et al. (hereinafter Reber), U.S. Patent No. 5,938,726 issued August 1999.**

**In regard to dependent claims 15, 17**, Venkatraman teaches a user defined area (Venkatraman Figure 3). Venkatraman does not specifically teach a method of receiving a device logo from a home device, on an area of the page. However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser screen (Reber Figure 3; compare with claims 5, 7). It would have been


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obvious to one of ordinary skill in the art at the time of the invention to apply the logo method of Reber to the list and button GUI of Venkatraman/Hanson, because of Reber's taught advantage of graphical logos, providing increased device recognizability to the method as taught by Venkatraman/Hanson.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

March 13, 2006